

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JULIAN MOZ-AGUILAR,</b>	:	<b>CIVIL ACTION NO. 3:22-CV-804</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>UNITED STATES, <i>et al.</i>,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 25th day of July, 2023, upon consideration of the report (Doc. 20) of Chief Magistrate Judge Karoline Mehalchick, recommending that the court grant defendants’ motion to dismiss and for summary judgment, enter judgment in favor of defendants with respect to plaintiff’s Federal Tort Claims Act (“FTCA”) claim, and dismiss the balance of plaintiff’s claims, and it appearing no party has objected to the report, see FED. R. CIV. P. 72(b)(2), and the court noting failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, the district court should afford “reasoned consideration” to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court

agreeing with Judge Mehalchick's analysis and recommendation, and concluding there is no clear error on the face of the record, it is hereby ORDERED that:

1. Judge Mehalchick's report (Doc. 20) is ADOPTED.
2. Defendants' motion (Doc. 16) to dismiss and for summary judgment is GRANTED.
3. The Clerk of Court shall enter judgment in favor of defendants with respect to plaintiff's FTCA claim. The balance of plaintiff's complaint is DISMISSED for the reasons set forth in the report.
4. The Clerk of Court shall thereafter CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania